

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DAVID CHOL SON,

Plaintiffs

-against-

**UNITED STATES OF AMERICA AND UNITED
STATES POSTAL SERVICE,**

Defendants

Case Number: 1:24-cv-07811

VERIFIED COMPLAINT
Plaintiffs Demand Trial by Jury

Plaintiff, by their attorneys, LAW OFFICES OF KIM & CHA, LLP, as and for their
Complaint, respectfully alleges, upon information and belief:

INTRODUCTION AND JURISDICTION

1. This is an action commenced under the Federal Tort Claims Act (the "Act")
involving Plaintiff, DAVID CHOL SON, and defendants, UNITED STATES POSTAL
SERVICE, and the UNITED STATES OF AMERICA.

2. Pursuant to the Act, jurisdiction is proper in the United States District Court. Venue
is based upon the Plaintiff's residence in Queens County. Venue is proper pursuant to 28
U.S.C.S. §1391(e)(1).

THE PARTIES

3. The plaintiff, DAVID CHOL SON, at all times herein mentioned, was and still a
resident of the County of Queens and the State of New York.

4. The defendant, UNITED STATES POSTAL SERVICE, at all times mentioned,
was and still an entity organized and existing under the laws of the United States of America,
with a place of business situated in the County of New York and State of New York.

5. The defendant, UNITED STATES POSTAL SERVICE, at all times mentioned was

and still is authorized to do business in the State of New York.

6. The defendant, UNITED STATES POSTAL SERVICE, at all times mentioned conducted and carried on business in the County of New York and the State of New York.

7. The defendant, UNITED STATES OF AMERICA, is named herein as a defendant pursuant to the Federal Tort Claims Act.

AS AND FOR PLAINTIFF'S FIRST CLAIM

8. On or about October 27, 2023, plaintiff, DAVID CHOL SON owned an automobile, bearing license plate number T670930C.

9. On or about October 27, 2023, plaintiff, DAVID CHOL SON was the operator of an automobile, bearing license plate number T670930C.

10. On or about October 27, 2023, defendant, UNITED STATES POSTAL SERVICE was the registered owner of a Grumman truck, bearing license plate number 1610355.

11. On or about October 27, 2023, defendant, UNITED STATES POSTAL SERVICE was the title owner of a Grumman truck, bearing license plate number 1610355.

12. On or about October 27, 2023, Juan Manuel Rodriguez was the operator of a Grumman truck, bearing license plate number 1610355, with the express knowledge, consent and/or on the business of its owner. i.e., the defendants, the UNITED STATES POSTAL SERVICE and/or UNITED STATES OF AMERICA.

13. On or about October 27, 2023, the vehicle operated by Juan Manuel Rodriguez came in contact with the vehicle operated by plaintiff, DAVID CHOL SON, at or near 10th Avenue and 41st Street in the County of New York, State of New York.

14. Solely as a result of the defendants' negligence, carelessness and recklessness the

plaintiff was caused to suffer severe and serious personal injuries to mind and body, and further, that the plaintiff was subject to great physical pain and mental anguish.

15. As a result of the foregoing, the plaintiff sustained serious personal injuries as defined in Section 5102(d) of the Insurance Law of the State of New York, and/or economic loss greater than basic economic as defined in Section 5102(a) of the Insurance Law of the State of New York.

16. Due to defendants' negligence, plaintiff, DAVID CHOL SON, is entitled to damages.

AS AND FOR THE PLAINTIFF'S SECOND CLAIM

17. Plaintiff, DAVID CHOL SON, repeats and realleges each and every allegation in paragraph number "1" through "17" of the Complaint as if fully set forth at length herein.

18. By reason of foregoing, the plaintiff DAVID CHOL SON's vehicle was damaged, thereby necessitating repairs and/or replacement thereof.

19. Due to defendants' negligence, plaintiff DAVID CHOL SON is entitled to damages.

WHEREFORE, the plaintiff demands:

- a. judgment awarding damages on the first claim;
- b. judgment awarding damages on the second claim;
- c. interest, costs and disbursements of this action, together with such other and further relief as to this Court seems just and proper.

Dated: Bayside, New York
November 8, 2024

LAW OFFICES OF KIM & CHA, LLP



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Attorneys for Plaintiff(s)
DAVID CHOL SON

STATE OF NEW YORK)
)SS:
COUNTY OF QUEES)

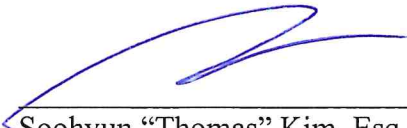
ATTORNEY VERIFICATION

Soohyun “Thomas” Kim, an attorney duly admitted to practice before the Courts of the State of New York and the United States District Court of the Eastern District of New York, affirms the following to be true under the penalties of perjury:

I am the partner of the Law Offices of Kim & Cha, LLP, attorneys of record for the Plaintiff, DAVID CHOL SON, in the within action. I have read the annexed COMPLAINT and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and so those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files.

The reason this verification is made by me and not by the Plaintiff is that the Plaintiff is not presently in the County wherein the attorneys for the Plaintiff maintain their office.

Dated: Bayside, New York
November 8, 2024



Soohyun “Thomas” Kim, Esq.
Attorney for Plaintiff

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

DAVID CHOL SON

Plaintiff(s)

v.

UNITED STATES OF AMERICA
AND
UNITED STATES POSTAL SERVICE

Defendant(s)

Civil Action No. 1:24-CV-07811

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* UNITED STATES OF AMERICA
C/O United States Attorney's Office - Eastern District of New York
271 Cadman Plaza East, Ste A
Brooklyn, NY 11201-1820

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

LAW OFFICES OF KIM & CHA, LLP
210-08 Northern Blvd., Ste 4
Bayside, NY 11361

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

BRENNNA B. MAHONEY
CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

DAVID CHOL SON

Plaintiff(s)

v.

UNITED STATES OF AMERICA
AND
UNITED STATES POSTAL SERVICE

Defendant(s)

Civil Action No. 1:24-CV-07611

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* UNITED STATES POSTAL SERVICE
1720 Market Street, Room 2400
St. Louis, MO 63155-8848

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

LAW OFFICES OF KIM & CHA, LLP
210-08 Northern Blvd., Ste 4
Bayside, NY 11361

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

BRENNNA B. MAHONEY
CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk